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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Christopher Dean

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10/10/2006

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EXAMINER

CHOU, ANDREW Y

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/654,943	<b>Applicant(s)</b> DEAN ET AL.	
	<b>Examiner</b> Andrew Y. Chou	<b>Art Unit</b> 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/4/2003</u> | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Claims 1-11 have been examined. Claims 1, 6, 7, and 11 are independent claims. The priority date recognized for this application is 09/16/2002.

### ***Information Disclosure Statement***

2. The Office acknowledges receipt of the Information Disclosure Statement filed on 12/04/2003. It has been placed in the application file and the information referred to therein has been considered by the examiner.

### ***Oath/Declaration***

3. The Office acknowledges receipt of a properly signed oath/declaration filed on 01/26/2004.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 6 is rejected under 35 U.S.C 101 because the claims invention is directed to non-statutory subject matter.

Claim 6 is non-statutory because the claimed invention is subject to 35 U.S.C 101 as being a data structure. Data structures claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are

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neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. For further information, see Interim Guidelines for Examination of Patent Application for Patent Subject Matter Eligibility (signed 26Oct2005) –OG Cite: 1300 OG 142. Annex IV(a) <<http://www.uspto.gov/web/offices/com/sol/og/2005/week47/patgupa.htm>>

6. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of Applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 1-11 are rejected under 35 U.S.C 102(e) as being anticipated by Georgalas US 2003/0131338 A1 (hereinafter Georgalas).

**Claim 1:**

Georgalas discloses a method of creating a resource of a desired type ready for use in a resource management system having a plurality of templates (see for example page 2, [0034], lines 9-12) each defining a resource category and a plurality of catalogs each specifying a resource type, each catalog in the plurality of catalogs being associated with one of the plurality of templates (see for example page 12, [0107]), each template and each catalog having associated primary validations, relationship constraints and secondary validations (see for example Fig. 1, and related text), the method comprising steps for:

- selecting a catalog, based on the desired type, from the plurality of catalogs;
- identifying a template from the plurality of templates that is associated with the catalog;
- creating an initial instance of the resource (see for example Fig. 2, and related text);

- establishing a plurality of attributes associated with the resource based on definitions specified by the catalog and by the template, and validating the attributes by applying primary validations associated with the catalog and with the template (see for example Fig. 1, and related text);

- establishing relationships with the resource by applying relationship constraints associated with the template and with the catalog (see for example Fig. 7, step 700, and related text); and

applying secondary validations associated with the catalog and with the template to the attributes associated with the resource (see for example Fig. 7, step 706, and related text).

**Claim 2:**

Georgalas further discloses the method of claim 1 wherein the resource is a proxy in the resource management system for a physical or conceptual resource outside of the resource management system (see for example Fig. 5, items 516, 520, and related text).

**Claim 3:**

Georgalas further discloses the method of claim 1 wherein the primary validations make reference to an attribute within the plurality of attributes to be validated (see for example page 3, [0043]).

**Claim 4:**

Georgalas further discloses the method of claim 1 wherein the secondary validations make reference to an attribute within the plurality of attributes to be validated and to another attribute within the plurality of attributes (see for example page 3, [0043]).

**Claim 5:**

Georgalas further discloses the method of claim 1 wherein the secondary validations can be providing by business rules (see for example page 6, [0069], "Policies").

**Claim 6:**

Georgalas discloses a data structure used in creating a resource of a desired resource

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type within a resource management application according to the method of claim 1, comprising data elements representing:

- a template defining a resource category (see for example page 2, [0034], lines 9-12);

- a catalog, associated with the template, specifying a resource type; an attribute master set (see for example Fig. 5, item 518, "repository")

- a template subset of attributes, selected from the attribute master set, and attribute primary validations associated with the template (see for example Fig. 5, item 520, "resource specification");

- a catalog subset of attributes, selected from the template subset of attributes, and primary attribute validations associated with the catalog (see for example page 12, [0107]);

- relationship constraints associated with the template; relationship constraints associated with the catalog (see for example Fig. 2, "Occurance constraint", and related text);

- secondary validations associated with the template; and secondary validations associated with the catalog (see for example Fig. 2, and related text).

**Claim 7:**

Georgalas further discloses a computer program product (see for example Fig. 5, and related text) for use in creating a resource of a desired type ready for use in a resource management system having a plurality of templates (see for example page 2, [0034], lines 9-12) each defining a resource category and a plurality of catalogs each specifying

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a resource type (see for example page 12, [0107]), each catalog in the plurality of catalogs being associated with one of the plurality of templates, each template and each catalog having associated primary validations, relationship constraints and secondary validations, the computer program product comprising computer executable program code devices for:

- a) selecting a catalog, based on the desired type, from the plurality of catalogs (see for example Fig. 2, and related text);
- b) identifying a template from the plurality of templates that is associated with the catalog (see for example page 2, [0034], lines 9-12);
- c) creating an initial instance of the resource (see for example Fig. 5, item 528, and related text);
- d) establishing a plurality of attributes associated with the resource based on definitions specified by the catalog and by the template, and validating the attributes by applying primary validations associated with the catalog and with the template (see for example Fig. 1, and related text);
- e) establishing relationships with the resource by applying relationship constraints associated with the template and with the catalog (see for example Fig. 7, step 700, and related text); and
- f) applying secondary validations associated with the catalog and with the template to the attributes associated with the resource (see for example Fig. 7, step 706, and related text).

**Claim 8:**



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Georgalas further discloses a computer program product of claim 7 wherein the resource is a proxy in the resource management system for a physical or conceptual resource outside of the resource management system (see for example Fig. 5, item 520, and related text).

**Claim 9:**

Georgalas further discloses a computer program product of claim 7 wherein the primary validations make reference to an attribute within the plurality of attributes to be validated (see for example page 3, [0043]).

**Claim 10:**

Georgalas further discloses a computer program product of claim 7 wherein the secondary validations make reference to an attribute within the plurality of attributes to be validated and to another attribute within the plurality of attributes (see for example page 3, [0043]).

**Claim 11:**

Georgalas discloses the method of claim 1 wherein the secondary validations can be providing by business rules (see for example page 6, [0069], "Policies").

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Chou whose telephone number is (571) 272-6829. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed tot eh TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

AYC



TUAN DAM  
SUPERVISORY PATENT EXAMINER